

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

04-CV-12033-PBS

CHARLES RAMPINO,
PETITIONER,

V.

BERNARD BRADY,
RESPONDENT.

MOTION TO COMPEL
RESPONSE (ANSWER)

Now comes the petitioner, Charles Rampino, in the above-entitled action, and moves this Court pursuant to Rule 5 of the RULES THAT GOVERN HABEAS CORPUS ACTIONS, to issue an order that directs the Respondent to file with the Court and serve upon the Petitioner, an "answer" that responds to the allegations and facts that are incorporated in the Petitioner's 'Petition For Writ Of Habeas Corpus, and that such "answer" conform with the rules that govern habeas corpus actions; 28 U.S.C. §2254 Rules Following. The answer should also be accompanied by "a copy of the petitioner's brief on appeal". Rule 5, Foll. 28 U.S.C. §2254.

In support of this motion, the Petitioner states that there are issues of fact that the Respondent has neither admitted or denied, and furthermore, the Petitioner has raised several Federal Claims that have not been addressed in the Respondent's Motion to Dismiss, and such claims are contained in the Petitioner's Petition. In further support, the Petitioner states that an adequate answer to the Petitioner's Petition will aid this Court in deciding this

matter in a fair and just way and will clarify any and all factual allegations that the petitioner has raised in his petition that the respondent may dispute. In the event that the respondent's answer disputes the petitioner's factual allegations, thereby creating a genuine issue of material fact, then summary judgment or dismissal would be inappropriate at this time. In the event that the answer may dispute factual allegations that the petitioner has set forth, the petitioner moves this Court to authorize procedures to resolve the factual disputes. the main fact that the petitioner has raised is that he was awarded 1500 days of Good-Time credits and that they were revoked without due process in violation of the 14 Amendment.

WHEREFORE, the petitioner prays that this Court issue a order directing the Respondent to file an answer that conforms to Rule 5 of the Rules that govern federal habeas actions; 28 USC foll.§2254, and further moves this Court to authorize procedures to resolve any factual disputes raised by the respondent.



CHARLES RAMPINO PRO SE

Dated 12-22-04

CERTIFICATE OF SERVICE

I Charles Rampino, hereby certify that a true copy of the above motions were served on the Respondent's counsel, by first class pre-paid mail at the following address: DAVID LIEBER, AAG, ONE ASHBURTON PLACE, BOSTON, MA 02108, On this 22nd day of December 2004.

Signed under the pains and penalties of perjury.



CHARLES RAMPINO